

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Pamela A. Polinski
Debtor(s)

Bankruptcy Case No.: 17-23434-CMB
Per November 12, 2020 Proceeding
Chapter: 13
Docket No.: 54 – 49, 52
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated September 28, 2020 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$1,911.00 as of November, 2020. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☒ H. Additional Terms: Fee application needed if any fee (including retainer) exceeds \$4,000 including any fees paid to prior counsel.

Trustee's Certificate of Default to Dismiss (Doc. No. 48) is resolved by this Confirmation Order.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.


Carlota M. Böhm, Judge
United States Bankruptcy Court

Dated: November 16, 2020

cc: All Parties in Interest to be served by Clerk in seven (7) days

In re:
Pamela A. Polinski
Debtor(s)

Case No. 17-23434-CMB
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2
Date Rcvd: Nov 16, 2020

User: dric
Form ID: 149

Page 1 of 3
Total Noticed: 25

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
++	Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.P.2002(g)(4).
##	Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Nov 18, 2020:

Recip ID	Recipient Name and Address
db	+ Pamela A. Polinski, 352 Middletown Rd., New Stanton, PA 15672-1180
14682944	+ Capital Bank, 1 Church St, Rockville, MD 20850-4190
14703734	++ FORD MOTOR CREDIT COMPANY, P O BOX 62180, COLORADO SPRINGS CO 80962-2180 address filed with court:, Ford Motor Credit Company LLC, PO Box 62180, Colorado Springs, CO 80962
14682948	+ Frd Motor Cr, P.O. Box 542000, Omaha, NE 68154-8000
15028980	+ Nationstar Mortgage LLC d/b/a Mr. Cooper, P.O. Box 619094, Dallas, TX 75261-9094
14682951	+ Pacific Union Financia, 1603 Lbj Fwy Ste 500, Farmers Branch, TX 75234-6071
14735731	+ Pacific Union Financial, LLC, 1603 LBJ Freeway, Suite 500, Dallas, TX 75234-6071
14682952	University Fidelity LP, P.O. Box 219785, Houston, TX 77218-9785
14725412	Wells Fargo Bank, N.A., PO Box 10438, MAC F8235-02F, Des Moines, IA 50306-0438
14682955	Wf Crd Svc, Cslc Dispute Team N8235-04m, Des Moines, IA 50306

TOTAL: 10

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
cr	+ Email/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com	Nov 17 2020 09:16:47	PRA Receivables Management LLC, POB 41067, Norfolk, VA 23541-1067
14682945	Email/PDF: AIS.cocard.ebn@americaninfosource.com	Nov 17 2020 03:44:26	Capital One, 15000 Capital One Dr, Richmond, VA 23238
14682943	+ Email/Text: bankruptcy@usecapital.com	Nov 17 2020 03:59:00	Capital Accounts, Po Box 140065, Nashville, TN 37214-0065
14682946	Email/Text: convergent@ebn.phinsolutions.com	Nov 17 2020 03:58:00	Convergent Outsourcing, Inc., 800 SW 39th St., P.O. Box 9004, Renton, WA 98057-9004
14690449	Email/Text: mrdiscen@discover.com	Nov 17 2020 03:56:00	Discover Bank, Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025
14682947	+ Email/Text: mrdiscen@discover.com	Nov 17 2020 03:56:00	Discover Fin Svcs Llc, Po Box 15316, Wilmington, DE 19850-5316
14741491	+ Email/Text: bankruptcy@sccompanies.com	Nov 17 2020 03:56:00	Massey's, c/o Creditors Bankruptcy Service, P O Box 800849, Dallas, TX 75380-0849
14736507	+ Email/Text: bankruptcy@sccompanies.com	Nov 17 2020 03:59:00	Montgomery Ward, c/o Creditors Bankruptcy Service, P.O. Box 800849, Dallas, TX 75380-0849
14707683	Email/PDF: cbp@onemainfinancial.com	Nov 17 2020 03:42:54	ONEMAIN, PO BOX 3251, EVANSVILLE, IN. 47731-3251
14682950	+ Email/PDF: cbp@onemainfinancial.com	Nov 17 2020 03:45:56	Onemain, Po Box 1010, Evansville, IN 47706-1010
14832202	Email/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com	Nov 17 2020 09:16:47	Portfolio Recovery Associates, LLC, PO Box

District/off: 0315-2

User: dric

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Form ID: 149

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14725931	Email/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com	Nov 17 2020 09:16:47	41067, Norfolk, VA 23541 Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
14757565	Email/Text: bnc-quantum@quantum3group.com	Nov 17 2020 03:57:00	Quantum3 Group LLC as agent for, Sadino Funding LLC, PO Box 788, Kirkland, WA 98083-0788
14723063	Email/PDF: EBN_AIS@AMERICANINFOSOURCE.COM	Nov 17 2020 03:43:05	Verizon, by American InfoSource LP as agent, PO Box 248838, Oklahoma City, OK 73124-8838
14682954	+ Email/Text: bnc-bluestem@quantum3group.com	Nov 17 2020 03:58:00	Webbank/fingerhut, 6250 Ridgewood Road, Saint Cloud, MN 56303-0820
TOTAL: 15			

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
cr		NATIONSTAR MORTGAGE LLC
cr		Nationstar Mortgage LLC d/b/a Mr. Cooper
cr		Pacific Union Financial, LLC
cr		Pacific Union Financial, LLC
14682949	##+	Midwest Recovery Syste, 2747 W Clay Street, Saint Charles, MO 63301-2557
14682953	##+	Van Ru Credit Corporation, 1350 E. Touhy Avenue, Suite 300E, Des Plaines, IL 60018-3342

TOTAL: 4 Undeliverable, 0 Duplicate, 2 Out of date forwarding address

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Nov 18, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on November 16, 2020 at the address(es) listed below:

Name	Email Address
Alexandra Teresa Garcia	on behalf of Creditor Pacific Union Financial LLC ecfmail@mwc-law.com, ecfmail@ecf.courtdrive.com
Brian Nicholas	on behalf of Creditor NATIONSTAR MORTGAGE LLC bnicholas@kmlawgroup.com
Brian Nicholas	on behalf of Creditor Nationstar Mortgage LLC d/b/a Mr. Cooper bnicholas@kmlawgroup.com
Celine P. DerKrikorian	on behalf of Creditor Pacific Union Financial LLC ecfmail@mwc-law.com
Glenn R. Bartifay	on behalf of Debtor Pamela A. Polinski gbartifay@bartifaylaw.com sfallat@bartifaylaw.com;gbartifay@yahoo.com;lkarageorgiou@bartifaylaw.com

Office of the United States Trustee

District/off: 0315-2

User: dric

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ustpreion03.pi.ecf@usdoj.gov

Ronda J. Winnecour

cmecf@chapter13trusteedpa.com

TOTAL: 7